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Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

KEVIN R. WALSH, BLANE M.  
WILSON, STEVEN M. ANNARELLI  
and LYDIA R. HILL, as individuals  
and on behalf of all others similarly  
situated,

Plaintiffs,

v.

CITY AND COUNTY OF  
HONOLULU, *et al.*,

Defendants.

CIVIL NO: 05-00378 DAE/LEK

[CLASS ACTION]

STIPULATION RE AWARD OF  
ATTORNEYS' FEES, COSTS AND  
EXPENSES PURSUANT TO 42  
U.S.C. § 1988; ORDER

STIPULATION RE AWARD OF ATTORNEYS' FEES, COSTS AND  
EXPENSES PURSUANT TO 42 U.S.C. § 1988

WHEREAS, on February 1, 2006, this Court entered its Order Granting Plaintiffs' Motion for Preliminary Injunction, which barred Defendants from enforcing the pre-employment residency requirement set forth in H.R.S. § 78-1(c) ("February 1 Order"). On February 13, 2006, this Court entered its Preliminary Injunction Order Enjoining Enforcement of H.R.S. § 78-1(c) and the Policies and Practices Thereon, which incorporated the reasoning of the February 1 Order. On April 18, 2006, the Court entered its Order approving of the Stipulation of the Parties Regarding Implementation of Preliminary Injunction Orders.

WHEREAS, on June 14, 2006, the Court filed an Order Granting Plaintiffs' Motion for Summary Judgment and Denying Defendants' Counter Motion for Summary Judgment, and a Judgment in a Civil Case, both of which granted the plaintiffs' motion for summary judgment, denied defendants' counter motions for summary judgment, and entered a permanent injunction against the defendants' continued application of H.R.S. § 78-1(c)'s "resident at time of application for public employment" requirement and the policies and practices based thereon;

WHEREAS, the plaintiffs filed a motion for an award of attorney's fees, costs and expenses on June 27, 2006;

WHEREAS, the Court filed an Amended Order Granting Plaintiffs' Motion

for Summary Judgment, and Denying Defendants' Counter Motion for Summary Judgment on July 3, 2006;

WHEREAS, on July 7, 2006, State Defendants Bennett and Laderta filed a Notice of Appeal from the June 14, 2006 Order and Judgment and the July 3, 2006 Amended Order;

WHEREAS, on July 14, 2006, the Court filed the Permanent Injunction Order Enjoining Enforcement of H.R.S. § 78-1(c) and the Policies and Practices Based Thereon; and

WHEREAS, pursuant to Local Rule 54.3(b), the parties met and conferred on July 10, 2006, regarding the plaintiffs' motion for fees, costs and expenses, and agreed that the following stipulation and request for an order be submitted to the Court.

IT IS HEREBY STIPULATED AND AGREED, by and among the parties, by and through their respective undersigned counsel, that:

1. The parties have specified the amounts for an award of attorney's fees, and costs and expenses herein, solely for the purpose of obviating the need for additional briefing and for Court resolution of the motion.

2. The parties agree that an order awarding plaintiffs attorney's fees, costs and expenses pursuant to 42 U.S.C. § 1988 should be entered. The parties

further agree that the order shall designate plaintiffs as the prevailing parties in this district court proceeding and award them attorney's fees in the amount of \$133,124.15 for work performed as of the date of this stipulation, and costs and expenses in the amount of \$2,677.09 incurred as of the date of this stipulation, for a total of \$135,801.24. The parties further agree that interest on such sum shall accrue as provided in 28 U.S.C. § 1961.

3. The amounts specified in paragraph 2 above shall not constitute nor be construed as constituting an admission, acknowledgment or agreement on the part of the defendants that any specific activity, item, or amount described or included in plaintiffs' motion for award of fees, costs and expenses filed on June 27, 2006 is accurate, appropriate, or compensable.

4. Plaintiffs shall not file a bill of costs pursuant to Fed. R. Civ. P. 54 or Local Rule 54.2, or seek any other award or reimbursement for fees, costs or expenses incurred in the district court proceeding as of the date of this stipulation against defendants other than as specified herein.

5. Nothing in this stipulation precludes defendants:(a) from appealing any order or judgment granting plaintiffs' motion for summary judgment and denying defendants' counter motion for summary judgment, or entering a permanent injunction in plaintiffs' favor and against defendants; or (b) from filing a notice of appeal from and making a motion to stay any order awarding plaintiffs

fees, costs, and expenses in conjunction with an appeal on the merits under (a) above.

DATED: Honolulu, Hawai`i, July 20, 2006.

/s/ Charleen M. Aina

Mark J. Bennett  
Attorney General  
State of Hawai`i  
Deirdre Marie-Iha  
Charleen M. Aina  
Deputy Attorneys General

Attorneys for State Defendants  
Bennett and Laderta

/s/ Gordon Nelson

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City and County of Honolulu  
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Attorneys for Defendant  
City and County of Honolulu

/s/ Lois K. Perrin

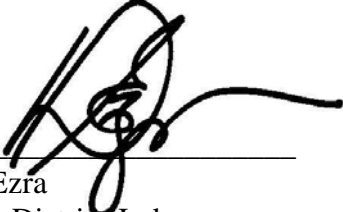
Lois K. Perrin  
ACLU of Hawai`i Foundation

Attorneys for Plaintiffs

IT IS APPROVED AND SO ORDERED.

DATED: Honolulu, Hawaii, July 21, 2006.



  
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David Alan Ezra  
United States District Judge

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*Walsh, et al. v. City and County of Honolulu, et al.*, USDC CV No. 05-00378, Stipulation re Award of Attorney's Fees, Costs and Expenses Pursuant to 42 U.S.C. § 1988; Order.